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AN
ANSWER
TO

EDMUND BURKE, Esq.

[Price One Shilling and Six Pence.]

2.

2
A M S W R

TO



EDMUND B. HOGG

Price One Shilling and Six Pence

2 Duplicate of 8177.aa.13

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A N

A N S W E R

TO THE

L E T T E R

FROM

EDMUND BURKE, ESQ.

ONE OF THE

REPRESENTATIVES of the City of BRISTOL,

TO THE

SHERIFFS OF THAT CITY.

—Verbosa et grandis Epistola venit

A Beaconsfield—bene habet; nil plus interrogo.

THE SECOND EDITION.

L O N D O N :

Printed for T. CADELL in the Strand.

M.DCC.LXXVII.

ADVERTISEMENT.

A second edition of this trifle must not go into the world, without my resigning all pretensions to a compliment which the Authors of the London Review for June, have been so kind as to pay me. "This Answerer appears," say they, "to be the same writer who answered the famous Declaration of the American Congress." Could I flatter myself, that there is any foundation for it, the gentlemen do not know how proud I should feel of their mistake.

The same gentlemen do me no little honour, when they claim the praise of having "anticipated, in a former Review, some of my remarks;" and of having, in another, "applied a metaphor to Lord Chatham, to which my concluding allegory bears a striking resemblance." But I do assure these gentlemen that, until this present half hour, I never saw one word of any one of their Reviews in my life.

H. C.

Lincoln's-Inn,
2d July, 1777.

Herbert Croft.



LETTER, &c.

SIR,

IF indeed any apology be necessary for this address, I can only say, that "I feel this to be one of those few moments, in which decorum yields to an higher duty. There are occasions," Sir, you well know, "when any, even the slightest chance of doing good, must be seized, even by the most"—I too am modest—"even by the most inconsiderable person *."

Whether the understandings of Sheriffs be really slower than the understandings of all other his Majesty's liege subjects, and the understandings of the Sheriffs of this same good city of Bristol slower than the

* Mr. Burke's speech, March 22d, 1775. p. 8.

B

understand-

understandings of the Sheriffs of all other cities, is much too weighty a matter for my determination. But, upon my honour! from the arguments of your letter, I do not quite know what to think of your opinion on the subject. Well was it, however, that the patriotism of this “honest, well-ordered, virtuous city;” this city, whose people preserve more of the original English simplicity, and purity of manners, than perhaps, any other;” well was it that this city, disdaining all its own “men and magistrates” (Oh Bristol! *quando ego te aspiciam?*) “of large and cultivated understandings, fit for any employment, in any sphere*”—Well was it, that this city, so favoured of Heaven, sent off express to London, for you, Sir—that, not finding you at London, they sent to Malton—that, fortunately finding you at Malton, they brought you, without a wink of sleep, to Bristol—that bringing you to Bristol, they elected you their representative†! Otherwise the world might still have wanted this letter.

* Letter, p. 66.

† See Mr. Burke's speeches at his arrival at Bristol, and at the conclusion of the poll; wherein we are told of the astonishing journey of patriotism from Malton, which he left at six o'clock on Tuesday evening, to Bristol, which he reached at half past two, on the Thursday afternoon—and wherein he assures the good people of Bristol, that, in all that time, he never slept.

And how I tremble, even now, to think, that if the evil genius of this country had suggested the mischievous idea to any one; or that if our friend, John the Painter, the good genius of America (who, I think, shewed his attachment also to Bristol), had escaped a little longer, and, among his other patriotic ideas, had conceived that of robbing the mail, while this precious packet was upon its road—how I shudder to think, even now, when the possibility of such a misfortune is at an end, of the inconsolable loss which this country and America (I ask pardon! America I believe should stand first)—which America and this country would have sustained! Messrs. John Farr, and John Harris, would, in that cruel case, have lost the glory of possessing so illustrious a correspondent; America would have missed the encouragement which she must undoubtedly draw from your patriotic letter; and this country the wisdom and the improvement which your doctrines most clearly must afford it! Then would not the astonished gratitude of Great Britain, doubtful for which of your thousand deeds of patriotism most to thank you, stand thus at gaze, and exhibit a silent figure of distracted admiration, almost worthy a description in your own “sublime and beautiful,” or by the sublime and beautiful pencil of your own Barry; then would not every voice, in your own, and in every other country, at this flattering mo-

ment, be in perfect unison with your loudest admirers; then would not the accordant lyres of administration be now strung in chorus to your praises; then would not the loud and grateful song of American freedom reach your modest ear, even in your Roman retirement at Beaconsfield, sweetly wafted by the willing echo of the Atlantic; and many would perhaps never have known, what many will, perhaps, still never believe (sad instance of the blind prejudice of faction!), that the late act for the partial suspension of the *Habeas Corpus* “expresses, and carries into execution, “ purposes contradictory to all the principles, “ not only of the constitutional policy of “ Great Britain, but even of that species of “ hostile justice, which no asperity of war “ wholly extinguishes in the minds of a ci- “ vilized people *.”

But indignation can wear the mask of irony no longer. Thus, Sir, it was my intention to have continued this letter: by supposing you that which, alas! you are not, to have shewn you what you ought to be—*venenato littera mista joco*. Impatient truth, however, will not be concealed. It is only for the practised abilities of a patriot to hold that language, through three quarters of a hundred of octavo pages, which I can never believe him to have really meant. One picture you have seen: that should be Burke. Look you

* Letter, p. 4.

now what follows. But my design is by no means to give you back again even that plentiful abuse, which, in all your publications, you shower down, with so liberal a hand, upon all ministers (the Marquis only excepted, and his "excellent associates *"; among whom was the modest Mr. Burke): and which in this publication you shower down, if I read you right, on *more* than ministers.

The letter which I now sit down to answer, seems to be made a vehicle for all the ill language which has ever been uttered about the American war, as well as about the two last acts. In the opinions of some "men of the greatest wisdom (you may be sure that I do not speak of my opinion, which in all circumstances must be vain and frivolous †"), much of your letter consists of a stale collection of daily arguments and weekly assertions, which have been every week refuted, and every day proved false. Much of it is said to be the commonest of all commonplace political declamation; and not a little is thought, I know, rather to strain that confidence, which your modesty informs us your "honest ‡", and therefore unsuspecting, "constituents have placed in your integrity §."

* Letter, p. 61.

† Letter, p. 18.

‡ Letter, p. 66.

§ Letter, p. 29.

Mine, however, is not yet a name to be indulged in general declamation; and in your other excellence I have something else I hope about me, which will effectually keep me from imitating you. It is in *reality* my “misfortune to be one of those, to whose influence nothing will be granted, who must win every inch of their ground by argument *”. Let me now enter the lists.

Of the Act for the Letter of Marque you do exceedingly well to say but little. Perhaps it might not have been very much amiss had you said still less. There are men of inferior understandings, not quite so quick at grasping systems by intuition as you may be, who are dull enough to expect that when a gentleman goes so far as—“exceptionable as any thing may be, and as he thinks it is in some particulars”—he should oblige them with something a little like proof, or, at least, like charge. Excuse my taking the freedom to hint this method; but I have really known it practised before now with some success.

Of the other Act for the partial suspension of the *Habeas Corpus*, I have already transcribed your most concise and terrible opinion.

* Mr. B's Sp. 22 March, 1775.

And

And by heavens, with what an acute, and more than eagle ken must you search into the secrets of politics ! To a common observer, this act undoubtedly appears as proper, as necessary, as justifiable, and constitutional an act, as any act which any parliament ever thought fit to pass.—Nay, I protest to you, there was a moment of mental darkness, before the glorious rays of your eloquence dispelled the mists of error, when I was weak enough verily to believe it so. But how totally different the matter really and truly is ! The sword of government, which I fondly imagined was drawn in fatherly defence of my liberty, your abilities have, in a moment, convinced me is tremblingly hanging over my fated head, by a hold more attenuated than the tyrant hair of Damocles. But let me be serious : there is much occasion.

Sir, when you call forth all the powers of glowing metaphor, all the force of brilliant style and harmonious periods, to reprobate this act, and to consign the framers of it to political infamy, you choose to forget the constant, customary conduct in all times of public confusion and imminent danger. In such times, you know, Sir,—for ignorance is not one of your failings—better for your other failings if it were ! You know, that, in all such times, parliament has always strengthened the hands of the crown. When

the state is in danger, parliament has always authorized the magistrate, and always must authorize him, by a temporary suspension of the *Habeas Corpus* act, to imprison suspected persons, *without giving any reason for so doing* *. It is the "*Dent operam consules, ne quid detrimenti capiat res publica*" — It is the *senatusconsultum ultime necessitatis*. In these moments of extreme emergency, the nation parts with its liberty for a while, in order to preserve it for ever.

Your ingenuity may, perhaps, choose to deny the present existence of public confusion and imminent danger. Would to Heaven any man could venture to deny it! But even you are obliged to allow it! And, by allowing it for the sake of one false argument, you destroy all your other arguments. It is where you are pleased to say, That "the persons who make a *naval war* upon us, in consequence of the present *troubles*, may be *rebels*; but ought not to be called, or treated as, *pirates* †."

Now Sir, have the goodness to turn back to former acts of this kind, passed in former *troubles*, and in former *rebellions* ‡, nine, I think,

* These are the very words of Blackstone's Commentaries.

† in loco.

‡ Letter, p. 5.

§ W. & M.—G. 1. & G. 2.

in all; and tell me whether they do not, all of them (I take your own words) "enable
 "administration to confine, as long as it shall
 "think proper (within the duration of the
 "act) those whom the act describes?"
 Whether they do not, all of them, allow
 "the bare suspicion of the crown, to put
 "such and such persons out of the law*,"
 as well as this? Whether they do not, all of
 them, convey, if possible, fuller powers than
 this? Sir, I will tell you that they all do all
 these things. And I will remind you
 of a case, which you might have heard
 mentioned in the House, upon the third
 reading of this bill; had you thought it
 proper to attend to the gradual growth of an
 infant motion into a manly law, against which
 established law you now think it patriotic and
 manly to exert all your metaphor and Tall
 your imagery. It is the case of Sir William
 Wyndham, who was denied the benefit of
 the *Habeas Corpus*, though committed upon
 bare suspicion. After solemn argument, the
 judges were unanimously of opinion, that he
 should be remanded to the Tower, and that
 the ground of commitment was good.

How then does this act "express and carry
 "into execution purposes contradictory to all
 "principles, not only of the constitutional

* Letter, p. 17.

" policy

“policy of Great Britain, but even of that
 “species of hostile justice, which no asperity
 “of war wholly extinguishes in the minds of
 “a civilized people * †” This may be a well
 rounded period, Sir; but it is very little like
 truth or reality.

The letter then goes on to say, “They”
 (the persons described by the act) “are to be
 “detained in prison to a future trial,”—and
 detained in prison, not only to a future trial;
 but to an “*ignominious punishment* †.” In-
 deed! My edition of the act says no such
 thing. The ignominious punishment will
 depend upon their guilt. It is Mr. Burke who
 supposes that all his friends deserve the igno-
 minious punishment.

To this first purpose of the act, *i. e.* to en-
 able administration to confine pirates, you are
 pleased to express no small dislike, because it
 does not fairly describe its object. . Your
 friends, the Americans, may be rebels, you
 readily allow; but you contend that they
 ought not, according to the natural distinc-
 tion of things, and order of crimes, to be
 called, or treated as, pirates ‡. The Ameri-
 cans are obliged to your conscientious justice;
 and, till I had the pleasure of reading your

* Letter, p. 4.

† Letter, p. 5.

‡ Letter, p. 5.

letter,

letter, I did think, I must own, that they were a little obliged to the lenity of this act; since, as you admit *, " Piracy, in the eye of the law, is a less offence than treason."

But do suffer me to present you with a little syllogism, Sir—'Tis all your own, upon my honour! and rather curious,

Mistaken virtue is not infamous—

Rebellion is mistaken virtue—

Ergo Rebellion is not infamous.

What bloody effects of mistaken virtue will the American rebellion (though I think you rather choose to have it a *war*, in the rest of your—not rebellious, observe, but—virtuously mistaken letter) afford to future historians!

Be so kind as to observe another error into which the hurry of epistolary composition, I suppose, has made you fall. Piracy you allow to be "an odious and infamous offence;" The Americans, you allow, may be rebels; and piracy, you grant, is a *less* offence than rebellion. Now, I would just ask, in a future edition of your letter, what epithets more strong than *odious* and *infamous* you mean to affix to that offence of *rebellion*, which you claim for your American friends,

* Letter, p. 6.

in preference to the offence of piracy; and in which you are openly defending and encouraging them?

But what will you say about your pompous distinction between rebels and pirates, when I transcribe for your perusal a clause from one of the acts of that honourable House of which you are an honourable member, which most clearly brings all persons acting under the pretended authority of your high and mighty Congress, within the description of pirates; and which inflicts upon them the punishments of pirates?

"And be it further enacted, &c. That if any of his Majesty's natural born subjects, or denizens of this kingdom, shall commit any piracy or robbery, or any act of hostility, against others his Majesty's subjects upon the sea, under colour of any commission from any foreign prince or state, or pretence of authority from any person whatsoever, such offender and offenders, &c. shall be deemed, adjudged, and taken to be pirates, felons, and robbers; and they, &c. being duly convicted thereof, &c. shall have and suffer such pains of death, &c. as pirates, &c. ought to have and suffer *." Do you find upon the jour-

nals of the House, Sir, any patriotic motion to leave out the word *pirates*, in this act, and to insert the word *rebels*? because we should never “degrade the offence of a fellow-creature, when we cannot soften his punishment”—because “the general sense of mankind proclaims, that those offences which arise from mistaken virtue are not in the class of infamous actions”—because to abuse an offender, and “to call him a pirate, who ought to be styled a rebel; is to prepare a sort of masked proceeding, not honourable to the justice of the kingdom *.” Do you find any account, Sir, of any such motion upon any of these grounds? Sir, this reasoning was unknown to the simplicity of former times; it was reserved to be ushered into the astonished world by the patriotic Mr. Burke.

But, Sir, with your permission, I have another little extract for you. These same acts of parliaments are stubborn, rough, uncivil gentry. Your great orators and declaimers run on as smooth as glass, till one of these have the impertinence to come across their eloquence, and throw them down. We are now got to 1745, and then you will allow there was something like a rebellion, I suppose; for patriots, I think, don't vastly love

* Letter, p. 6.

the Scotch. But still the term *pirates* was sufficient for the vengeance of those days. Nay, most unluckily, but most certainly, the legislature (tho' you will have it that such a "masqued proceeding is dishonourable to the justice of the kingdom") was at the trouble of passing an act particularly, solely, and on purpose to "degrade an offence when it did not soften the punishment;" to make it lawful to try, and to punish, as pirates, persons guilty of high treason. "Nothing but truth could give me this firmness; but plain truth and clear evidence can be beat down by no ability*."

Sir, here is no playful imagery, no glow of metaphor, no pomp of political sentiment to impose upon your reason; take my argument in the very words of the act. This is rather more dull, to be sure, than your brilliant style; but, I hope, is almost as convincing. "Whereas by an act made in the eleventh year of King William the third," *i. e.* the act I just now mentioned—"it is enacted," &c. Then it recites that act, and goes on afterward—"And whereas since the present wars with France and Spain, divers of his Majesty's natural born subjects have entered in the service of his enemies, &c. and commit-

* Mr. B's Speech, 19 April, 1774.

"ted divers hostilities, &c. and whereas
 "doubts have arisen whether, as such offend-
 "ers have been guilty of high treason, they
 "can be deemed guilty of felony, &c.
 "therefore, to put an end to the said doubts,
 "&c. be it enacted, &c. That all persons
 "who, during the present or any future
 "wars, have committed, or shall commit
 "any hostilities upon the sea, &c. by virtue
 "or under colour of any commission, &c.
 "may be tried as pirates, felons, and rob-
 "bers, &c. in the same manner as persons
 "guilty of piracy, felony, or robbery*," &c.
 And then concludes like the act I mentioned
 before. What becomes now, Sir, of your
 appeal to "the general sense of mankind?"

But neither have we yet done. False rea-
 soning, under the mask of serious argument,
 and that too addressed to the passions of your
 readers, was not sufficient; all must conclude
 with a pleasantry—"If Lord Balmerino, in
 "the last rebellion, had driven off the cattle
 "of twenty clans, you should have thought
 "it a scandalous and low juggle, utterly un-
 "worthy the manliness of an English judi-
 "cature, to have tried him for felony, as a
 "stealer of cows†."—Should you truly!—
 "Here is a precious mockery‡!" The
 legislature, not thinking exactly the same

* 18 G. 2. c. 30.

† Letter, p. 6.

‡ Mr. B's Speech, 19 April, 1774.

thing

thing to be: "a scandalous and low juggle," that you do, has absolutely acted directly in this *unmanly* and *unworthy* manner—and your friend Lord Balmerino, if, instead of the cattle of twenty clans, he had driven away the cattle of one parish, or of half a parish, of one clan, or of half a clan, in Northumberland, or in Cumberland, or in the adjacent parts of Scotland, would most clearly have been tried for felony, as a stealer of cows, and, you may assure yourself, would have been (changed is too degrading a term for a lord, if pirate be too degrading a name for an American rebel)—been basely suspended like a vulgar sheepstealer.

Sir, when the Scottish war (either call them all wars, or all rebellions) already began to threaten—when the enemies of government, under the appearance of patriotism, already began to impose upon weak minds (there have been such men in all times)—not long after an act to "impower his Majesty to secure and detain such persons as his Majesty should *suspect* were conspiring against his person and government" (*suspect* was admitted then)—In the same year, Sir, was continued "† An act for preventing of theft and rapine upon the northern borders of England," originally pointed by the hand of that legislature against

* 17 G. 2. c. 6.

† 12 and 13 C. 2. c. 22. continued by 17 G. 2. c. 40.

“ a great number of lewd, disorderly, and
 “ lawless persons, being thieves and robbers,
 “ commonly called Moss-troopers;” and
 now levelled by the hand of this parliament
 against the young and callow rebellion which
 had not yet dared much beyond its northern
 eyry; which (for if metaphor were but argu-
 ment, you would beat me hollow) which
 was yet, “ as it were but in the gristle, and
 “ not yet hardened into the bone of man-
 “ hood*.”

And now, Sir, I consign your patriotism
 to its private meditations upon the important
 distinction between *pirates* and *rebels*; which
 is much about as reasonable as if a poor gen-
 tleman, who had been unfortunate enough
 to fight a duel with pistols, were to appeal
 to “ the general sense of mankind,” against
 “ the dishonourable justice of the kingdom,”
 and against “ the scandalous and low juggle
 “ of unmanly law,” because the dignity of
 his “ offence is degraded” — “ the natural
 “ distinction of things, and order of crimes,
 “ confounded,”—and “ the whole frame of
 “ jurisprudence disordered”—if an honour-
 able and illustrious duellist, “ whose offence
 “ arises from mistaken virtue,” may be basely
 and ignorantly tried (does not your blood
 boil, Sir, at the idea?) upon “ An act for

* Mr. B's Speech, 22d March, 1775.

“ the more effectual punishing wicked and
 “ evil-disposed persons going armed in dis-
 “ guise.”—Upon an act made against “ dis-
 “ orderly persons having associated them-
 “ selves under the name of Blacks, to assist
 “ one another in stealing deer, and in rob-
 “ bing warrens, and fish-ponds.”—Upon
 the black act*.

“ The smartness of debate †,” an expres-
 sion, at least, of which you are somewhat
 fond, might attempt, perhaps, to colour or
 to explain away these stubborn facts; but
 the good sense of my countrymen will listen
 to them, though they do not bear the ma-
 gical recommendation of the name of
 Burke.

As to your apposite and very fortunate quo-
 tation from the oracle of our law, Lord Coke,
 “ those things which are of the highest cri-
 “ minality, may be of the least disgrace.”—
 Alas! it is but too true; there is no contra-
 dicting him; and your letter, which is said
 by your friends to do you so much credit,
 most kindly and happily provides us, at one
 and the same time, with the rule and with
 the example. Let me have the merit, dear
 Sir, of recommending Lord Coke’s expres-
 sive words to you, as the properest of all

* 9 Geo. I. c. 22.

† Mr. B’s Speech, 22d March 1775.

mottos for the next edition of your letter.—
The motto will be most applicable, believe
me. “ Those things which are of the high-
“ est criminality, may be of the least dis-
“ grace.”

We come now to a second objection to the
first purpose of the act, which is unluckily
prefaced by informing your Bristol friends,
that you “ must *honestly* tell them your ob-
“ jection *.” Now, Sir, you do not *honestly*
tell it to them.

True it is, that “ an act of parliament
“ had, previously to this act, put the Ame-
“ ricans out of the protection of the law †:”
and so likewise would a simple individual, who
should be outlawed for refusing to recognize
the authority of the law, be put out of the
protection of the law. But true it is, that
both the outlaw and the Americans, by sub-
mitting to the authority of the law, and by
returning to allegiance, may, whenever their
wisdoms see fit, re-enter into the “ protec-
“ tion of the law.”

True it is, that “ the legislature of this
“ kingdom had, previously to this act, or-
“ dered all their ships and goods” (I
take your own translation of the act), “ for

* Letter, p. 6.

† Letter, p. 7.

“the mere new-created offence of exercising trade” (this *mere new-created* offence happens to be open rebellion, however), “to be divided as a spoil among the seamen of the navy*.” And what else could any other legislature have done? when, previously to this very act, this very people; this “unhappy, proscribed, interdicted people†;” had forbidden all correspondence (I know what I say—I speak from facts, and Mr. Burke knows I do)—had forbidden all correspondence with this “unnatural, unjust, and cruel,” country‡—had issued commissions for the seizure of British ships—had appointed judges for the condemnation of British captures. What, I ask, under these circumstances, would the legislature of Mr. Burke’s Utopia have done? But true it is, Sir, that, after all, upon their selves did this act also depend for its duration. If the rebellion had no longer existed (I beg pardon), “the mere new-created offence of exercising trade,” this act would no longer have existed—Had they returned to their allegiance, this act would have been repealed by itself.

This, Sir, “I must *honestly* tell you,” is the fair way of stating it. To state it in any other way would, I know, have been, in the elegant severity of Mr. Burke’s eloquence, at

* Letter, p. 7.

† Letter, p. 7.

‡ Letter, p. 7.

least “to illustrate—to decorate—to state
“skilfully—to excel in a most luminous ex-
“planation and display of the subject*.”

After this, will the acknowledged candour of so justly distinguished a character as Mr. Burke, come and deliberately tell us, that American acts of hostility upon the seas must not be called piracy, much less rebellion—must only be called “an unnatural contention†;” or, in his still more lady-like phrase, “the necessary reprisals” (I warrant you) “of an unhappy, proscribed, interdicted people?” Will the candour of Mr. Burke, I say, without any thing like a blush, venture gravely to assure us, that to “stigmatize with “the crime of piracy,” acts of hostility committed by Americans; which they can never commit without what he allows to be a greater crime, rebellion; and to which, I aver, they have not been driven by any previous act of parliament, nor by any thing but by their refusal to return to their allegiance, and by their desire of independence—Will Mr. Burke say, that, to call *this* piracy, is “a “procedure, which would have appeared (in “any other legislature than ours) a strain of “the most insulting and most unnatural “cruelty and injustice? and that he does “not remember to have heard of any thing

* Mr. B's Speech, 19 April 1774. † Letters, p. 21.

“ like it, in any time or country ?” Mr. Burke, in the fulness of his patriotism, may venture, if he please, “ *honestly* to assure “ us” of all this ; but he and his friends have not yet, I trust, sufficiently practised upon the credulity of this country, to conceal “ the falsehood, the baseness, the absurdity, “ of so most audacious an assertion *.”

If a gentleman fall into a ridiculous argument in the warmth of conversation, we see it without surprize ; but we see it with concern. When a gentleman of abilities is not content with one ridiculous argument—when he gives us a rope of them—when he sets his name to them—when he commits them to paper, to print—when he carries them to a second edition—we see it with something more than common concern ; we see it with concern for the frailty of human nature,

Next, Sir, you bring us to the second professed purpose of the act ; which is to detain in England, for trial, those who shall commit high treason in America ; and to this second purpose you highly and loudly object. All your objections, it is true, have, before now, been many times urged, and before now, been as many times refuted. But it is possible, that the worshipful patriots of Bris-

* Mr. B's Speech, 19 April 1774, p. 67.

tol, dutifully and religiously confine their political studies to the sacred writings of their inspired representative. If the ability and invention of Mr. Burke condescend to dress up the oldest arguments, and some of them not in the newest kind of ways; surely an humbler individual, who, though no flaming patriot, wishes as well to this country, perhaps, as Mr. Burke, may, without blushing, borrow an answer or two, especially when he means to pay, at the same time, with one or two of his own.

It is not the least disagreeable part of what every man has to do who answers another in print, that he must frequently recite his antagonist's argument, as a proof that he does not mistake nor mistate it. When this argument happens, not only not to be instructive, but not even to be new, the impatience of Mr. Burke's genius will easily give me credit, when I complain that the task is not over pleasant.

“ * In 1769, parliament *thought proper* to
 “ acquaint the crown with *their construction*
 “ of an act of Henry VIII. which was made
 “ *long before the existence or thought of any Eng-*
 “ *lish Colonies in America*, for the trial in
 “ this kingdom of treasons committed out
 “ of the realm. By which act, so construed

* Letter, p. 7 and 8.

“ and so applied, almost all” (I wonder we are indulged even with *almost*) “ that is substantial and beneficial in a trial by jury, is taken away from the subject in the Colonies. This is, however, saying too little” (I thought the *almost* had no business there); “ for to try a man under that act, is in effect to condemn him unheard.” Well! I beg pardon! This last is new indeed! “ I assure you I do not remember to have heard of any thing like it in any time or country *.”

A man, not aware of the quickness of your genius, would not immediately discover that you allude here to an address of the House: and it seems, that this formal address of the parliament of 1769 to the Crown, requesting his Majesty to direct the Governor of Massachusetts Bay to procure and transmit the fullest information touching all treasons or misprisions of treasons, committed since the 30th of December 1767, in order that his Majesty might issue a special commission for trying the said offences within this realm, *pursuant* to the statute of Henry VIII †.—It seems that to address his Majesty thus, and to request this, you now discover was to “ acquaint the Crown with *their construction*

* Letter, p. 7.

† 35 Henry VIII. c. 2. Com. Journ. vol. 32, p. 198. anno 1768,

“ of that act *.” Was it, in real truth, a *new* suspension of the liberty of the subject? Was it *their construction* of the act? There is a period in the history of this country which answers loudly No.

This *fanatical zeal for the criminal justice of Henry VIII.* is not peculiar to the present times. Other times, and which even patriots will not call times of tyranny, fondly fancied the act of Henry founded on principles so perfectly consistent with the constitution, that the same provisions, the same words, were adopted in cases to which it was thought the act of union would not suffer Henry's act to reach †.

Presently we are told (for you are too well skilled in the grouping of rhetorical figures to place your most offensive ones in the foreground), that, what was in page 7 modestly *their construction* of the statute of Henry VIII. is now, in page 14, “ a new “ and unconstitutional interpretation of it.” Your gigantic patriotism takes a larger stride in the course of seven octavo pages than in the space of three years; for it was not quite so in your speech of the 19th of April 1774‡. And yet you say, “ the march of the human mind is slow §;” Wherein we are agreed—for

* Letter, p. 7.

† 19 Geo. II. c. 9. To try Scotch criminals in England; which was done. Foster's Crown Law.

‡ P. 24.

§ Mr. B's Speech, 22d March 1775.

It was sometime before I saw the extent of Mr. Burke's abilities, and the whole of his schemes, so clearly as I see them at present.

Unluckily, this *construction*, for which, in your speech of April 1774, the harshest words you had were *revival* and *application*; this interpretation (if you must have doing any thing "purfuant" to a statute, enforcing a statute, to be an interpretation of it) is not their interpretation, is not even new, much less unconstitutional.

But, what you now call the interpretation and construction of the act, is, in fact, only, as you said in 1744, an application, a revival of it. And let us a little see what claim it has to the blame of novelty: either the good luck of my searches, or the bad luck of Mr. Burke's most confident assertions, supplies me even with more instances, in which this law has been applied in all its strictness, than the nature of the offence which it was made to punish, would lead us to imagine. It has been, Sir, applied in all its strictness, whenever occasions have offered; which must *necessarily* have offered but seldom.

Before the Revolution, and when disputes between the proprietors and people of Carolina had excited almost, what Mr. Burke's delicacy would term an *unnatural contention*, but

but what I should be rude enough to call a rebellion—was this act carried into execution then, and was Culpepper sent hither, and tried upon this act?—Yes *.

After the Revolution, in the year 1710, were the ringleaders of an *unnatural contention* in Antigua, wherein the governor was murdered, brought hither by this act, tried upon this act; many of them convicted upon this act, executed upon this act?—Yes.

In the famous case of the—pirates (if I be allowed the word), did the Lords Justices, upon the strength of this *unconstitutional* act; and notwithstanding 11 and 12 Will. III. c. 7. empowering his Majesty to appoint commissioners for the trial of pirates in any of his Majesty's islands, plantations, colonies, dominions, forts or factories—did the Lords Justices fit out a vessel to bring that *unhappy, proscribed, interdicted people*, those pirates, and the evidence necessary for their conviction, to this country? Yes.—And, if they were not tried upon this act, the fault was only in the storm which obliged the vessel to put back †.

To assert without proof, is not *my* mode of argument. How then does an honest enquiry

* Wynne's Hist. of America, Vol. II. p. 255.

† See papers relative to Kidd, and the Report of Sir Charles Hedges. Com. Journ, Vol. XIII. p. 36, 37.

find this tyrannical sword during all this time? Forgotten, thrown by, rusty? Or kept in constant use and brightness by the hand of the legislature? And is the construction of this act still *new*? And is it still *to condemn a man unheard to try him upon this act*? He who is hardy enough to assert these things even to the Sheriffs of Bristol, should either condescend a little to enquire whether they stand flatly contradicted by facts; or, if he knew they did (as is more likely; though he talk of his * *little reading*, which such errors would almost make one believe), he should have been honest enough not to have asserted them.

Orators, however, can change their shapes, as often as their sides. How bind my Proteus? "Falsehood has a perennial spring †." If the interpretation be not *new*, at least it is *unconstitutional*. Here at least we are right.—Why so I should have thought; for it was a considerable time, before I could bring myself to believe, even the clearest proofs, that a gentleman, whatever may be the rage of party, would, in one page of a letter, boast that he is preserved against the corruption of nature and example, by an habit of life and communication of councils with the most virtuous and

* Mr. B's Speech, March 22, 1775.

† Mr. B's Speech, 19 April, 1774.

public-spirited men of the age *; and, almost in the next, advance two assertions, of which neither the one nor the other bears the faintest resemblance to truth.

If this be harsh language, Sir, you owe it to yourself. But the language is not mine. 'Tis the language of that constitution, of which you talk so much. . . *Cum ipsâ quasi republicâ collocutus es.*

If the act in question, or the enforcing of it, be unconstitutional, ten to one, but during two hundred years and more, we shall hear something of it in history. Mr. Burke is not the inventor of patriotism; nor has he a patent for it. *Vixere fortes ante Agamemnona multi.* Perhaps in some of the changes, revolutions, and reformations, which more than two centuries and a quarter has produced in our constitution, the poison of this act has been discovered by some state physician or another.

Did the framers of the petition of rights take notice of it? No. Did the framers of the bill of rights? No. Did those who established the succession in the house of Hanover think it necessary, or make any attempt, to divest the crown of this unconstitutional power; to alter the provision of this unconstitutional act? No. Does any page of any book afford any instance of any desire to repeal it? No.

* Letter, p. 66.

But,

Notwithstanding this, to enforce it is new, is unconstitutional. It may be for what I know. To talk so of this act, is, I am sure, much more new, and much more unconstitutional. But you tell us, and with more truth than real modesty, "that you do not pretend to be a lawyer*."

Let us see again. The act was made long before the existence or thought of any colonies in America. My Proteus has slipped now out of a false assertion; into a false argument. "This vermin, when they are forced into day upon one point, are sure to burrow in another; but they shall have no refuge: I will make them bolt out of all their holes †." Excuse me, Sir, for being so free with your compositions; but they are all so beautiful, and are so strong upon my memory, that I really quote them almost without knowing it. I "adjust myself before them as at a looking-glass ‡."

That, when this act was made, there were no English colonies in America to give this country a specimen of the highest ingratitude, is most true. But it is no less true, I presume, that America then, as now, was out of this realm of England; and, consequently,

* Letter, p. 45.

† Mr. B.'s Speech, 19 April, 1774, p. 71.

‡ Mr. B.'s Speech, 19 April, 1774.

by the letter of the act, treasons thereafter committed there, might be tried as if committed here. There is another little circumstance, which is no less true. Tho' there were no English colonies in America, there were English dominions in other parts, which, as the American colonies are now, were dominions of the King, although out of "this his realm of England." There were Jersey, Guernsey, Sark, Alderney, Calais. Were the framers of this act ignorant of these possessions? They must have either been ignorant of them, or have meant that their act should extend to them.

If, after all, Sir, *to try a man upon this act* be (singular assertion!) *to condemn him unheard*, with your forefathers of the 35th of Henry VIII. you must settle it; 'tis their affair: or you must find some worthy associate of the 17th of George III. wild enough to second your assertion, before you can expect to have the act repealed.

As to the other factious murmurs against this poor act, which you give yourself the useless trouble of repeating to us, and some of them more than once; excuse me if I take little notice of them. Others have taken every possible notice of them, and myself some, before Mr. Burke condescended to borrow them; and what must they be, if he have

not found it possible to ennoble them! For me—I was not born to be a retailer even of my own arguments.

As far as I am able to understand, you are terribly incensed against the act, and scold at it monstrously, through I know not how many angry pages, for more reasons than, I am sure, I can remember, and for many more than, I am confident, you can justify. That a pirate should be “brought hither in the dungeon of a ship’s “hold, and thence vomited into a dungeon on “land”—that he should be “loaded with “irons, unfurnished with money, unsupported “by friends, at a distance from home, &c.” seems to touch your humanity, and almost to draw tears from your patriotism. All this may prove your good nature, but can never prove your political abilities. Take my word for it, even the inhabitants of Bristol would at last rather have you for the guardian of their personal, than of their political, liberty; and, if they do but listen to you a little longer as the guardian of the latter, they may soon be glad of a good-natured gentleman to be keeper of the former.

The next thing which appears to concern you, is, that American crimes are not left to the rigid impartiality of American justice. In the instances of piracy and rebellion, they would not, I should suppose, show themselves quite

quite so exquisite in punishments, as they have upon other occasions. I question, whether even tarring and feathering would be in use; *googing* their humanity, would I certainly think abolish. There was once a person, Sir, of some authority, as even you will allow, who "confessed," he said, before a great assembly, "that the character of judge in his own cause, was a thing which frightened him—which exceedingly humbled him*." From so humbling and frightful a situation, that person's friends are now relieved. To bring an American rebel for trial to England, is, we are confidently told, to condemn him unheard. I will venture for once (and I am not a confident man) to lay down -- what is a little more like truth—that to leave him to be tried there, would be to acquit him without a trial. For my part, I sincerely wish there were some place appointed for the trial of American rebellion committed in England.

Your letter then proceeds to argue upon British punishments, which we have not yet seen; upon British executions which have not yet taken place; upon triumphs at Tyburn, of which, as yet, yourself only has heard. To instruct parents in their duty by an example from the punishment of a disobedient

* Mr. B.'s Speech, 22 March, 1775, p. 50.

son, you very prettily assure us, is political nonsense *. Those who framed the act, and those who addressed the Crown to enforce the act, were, I believe, Sir, not so nonsensical. Statesmen of all times and ages have been wiser than to mean such ridiculous instruction; and yet I do not remember that the rebel lords were returned to their own families, with a strict order that their heirs apparent should cut their heads off. It was thought then, that there were people to whom the example of an execution in England, for a rebellion committed out of England, might apply—And I would whisper you, Sir, that there are, even in these roaring days of patriotism, such men to whom such an example might possibly apply, might possibly be a warning.

Were I a man inclined to seize every little mean advantage, I might pause a moment at the eleventh page of your letter, which complains bitterly, nay appeals even to God (so also can rebellion) about the overturning of American franchises without —— not even have the Americans ever got so far as the next word —— without *charge* or hearing. The cruellest injustice at least affects to bring a *charge*—without one I am unwilling to think that even the favourite punishment of

* Letter, p. 10.

googing has ever been inflicted. But I am ready to allow something to the honest ebullition of party, something to the glowing warmth of patriotism; only have the mercy, Sir, not to deal in these kind of assertions. And take along with you also, that every one of those acts, which it is necessary for the sake of your arguments you should tell us, *overturn American franchises, without charge or hearing*, a more temperate man would assure you in fact do no such thing, and were designed to do no such thing—are nothing more than simple acts of British *self-defence* *.

However, I also “quit the vantage ground on which I stand, and walk down upon the open plain †.” And there I find an exchange of prisoners carrying on, which so displeases you, that you don’t recover yourself for near three pages—Upon my honour! I was heartily grieved to see a worthy gentleman put so unbecomingly out of temper by such a trifle. “I am serious, I assure you, even to sadness ‡” Your sadness also seems manifest, though of your seriousness I almost doubt.—Your friends the Americans have no vast obligation to your pa-

* See this material argument treated at large, with all that ability and information which mark every page of the “Answer to the Declaration of the American Congress.” p. 129.

† Mr. B.’s Speech, 19 April, 1774.

‡ Mr. B.’s Speech, 19 April, 1774.

triotism for contending that all those who fall into our hands should be either put to the sword or reserved for the halter, in order to provide your eloquence with a subject for its declamation.

But it is not gentlemanly in me to refuse an answer to a plain question: "Who has ever heard of capitulation, and parole of honour, and exchange of prisoners, in the late rebellions in this kingdom?" No one. What is the consequence then? That this administration is milder, or sterner, than any other rebellion ever found any other administration?—Give me the bow—let me try my hand at a question. Who has ever heard of bringing an instance of uncommon lenity to prove uncommon cruelty? There stands the question—I will venture it. Mr. Burke is the only author of my acquaintance who knows where to look for an answer to it; and that too in more than one of his patriotic lucubrations*.

Of three ingenious lines and a half, p. 15, which you call a great, steady, uniform principle; and in the short course of which a *suspension of franchises*, alluding to this act, is modestly implied to be a *cessation of law and justice*—Of this I cannot descend low enough from my *vantage ground* to take any notice.

* Letter, p. 13. Mr. B's Speech, March 22, 1775, p. 52.

That

That a partial suspension of the *Habeas Corpus* Act is far worse than an universal suspension; that a part is greater, and can do more harm, than the whole; did, I must confess, remain for Mr. Burke to teach me; though I sadly fear the stubbornness of my logic will never learn it even from his eloquence: and yet I am absolutely writing this before dinner; and am, I trust, within the denomination of those “*sober* men, with whom his arguments are to have weight.” Of those arguments the sum is, if I clearly understand them (for “to make any thing very terrible, obscurity seems in general to be necessary”), that because a partial suspension (which is partial tyranny) must end in universal suspension (which is universal tyranny) — both which parentheses, as well as their intermediate *must*, I should conceive might be controverted — Therefore it is better to have our liberty swallowed at once, than “nibbled away by parts;” therefore it is wiser to go, with every thing that we hold most dear, to the cave of this wild beast of the Gevaudan, and civilly intreat him to have the goodness to make his next dinner upon us, than to wait till it come to our melancholy turn to be devoured. But even ideal liberty is better than real slavery; a living dog, than a dead lion. The scent of tyranny is sufficiently strong,

• On the Sublime and Beautiful, p. 99.

without our leading it. From your mournful account, Sir, I know not how soon, in how very few weeks, the very worst may happen to this country; that "total eclipse" of liberty," perhaps, with which your croaking threatens us! Suffer, dear Sir, suffer your poor, devoted, darkling country to hover round the last dying embers of expiring freedom; to enjoy the little "interim" (is it not a little one?) all dismal as it is,

"Between the acting of a dreadful thing,
"And the first motion *!"

The reason which you give us why tyranny has chosen a partial suspension rather than a universal one, is rather too diverting to be passed by. "Because people without much difficulty admit the entrance of that injustice of which they are not to be the victims." Is this an argument? It is "a phantom, a quiddity, a thing that wants, not only a substance, but even a name *." Then even patriotism, I should think, must experience something like gratitude to those, who, when they might with safety and impunity "admit the entrance" of Injustice and her train at the folding gates of the temple of Liberty, have only suffered her to peep through the wicket; who, when they might

* Shakespeare.

† Mr. B.'s Speech, 19 April, 1774.

bring

bring Egyptian darkness upon the land, have only produced an invifible "eclipse;" who, when they might eat up, might devour, have, in their voluntary mercy, only "nibbled." For, they would no more be the victims of a total than of a partial fufpention. "Tyranny," you know, "never chaftifes its own inftitutions."

It is poffible, Sir, that before you have red thus far in my letter, you may have thought me more than once rather fevere in my way of differing from you in opinion. If I have really been unmannerly, I beg your pardon fincerely. This is one of thofe things in which even your own example could never juftify me to myfelf: and there *is* a paffage in your letter, palliated by nothing like an apology, which would juftify a hasty man in any language. Nay, the page which I am now reading, nay, every page of your letter would juftify much more than I am confcious of having faid or meant.

Little fatisfied with the false facts and false arguments that you have already advanced againft the act, all thefe falshoods are ftill to be clofed with one which fairly beats them all. Moft true it is, that a man in the Weft Indies is under a temporary profcRIPTION by this act, not, as you please to affert, becaufe he happens to be in the Weft Indies, but if

he have chosen to commit, if he be strongly suspected of having committed *high treason* or *piracy* in the West Indies. Most true it is, that any inhabitant of three *unoffending* provinces on the Continent is under a temporary proscription by this act, not, as you please to assert, because he is such inhabitant, but if he have chosen to commit, if he be strongly suspected of having committed *high treason* or *piracy*; if he be an *offending* inhabitant. Most true it is, that a person coming from the East Indies, that every gentleman who has travelled for his health or education, that every mariner who has navigated the seas, are all under a temporary proscription by this act, not, as you please to assert, *for no other offence*, i. e. for being a mariner, for having travelled, for being on his return from the East Indies; but for having, to the other advantages which voyages and travels afford, added a taste for piracy or high treason—for having committed either, or for being strongly suspected to have committed either. Shall the arrested highwayman complain that he must not cross Hounslow Heath? the forger of Mr. Burke's name, that he must not write? Surely, Sir, you are not insulting us by reprobating an act which you have not red, as well as by condemning an act which you did not oppose! How would your jealous patriotism, Sir, have taken fire, had you lived a little while after the glorious epoch

of the Revolution, when dungeons, chains, and all the terrible things with which your eloquence could just now shock us, were the lawless consequences of a poor man's wiping his nose with a white pocket handkerchief! "Had this fact (then become presumption of guilt) been proved" even against you, Sir, "the bare suspicion of the crown would have put you out of the law." Let us then, for Heaven's sake, enjoy our pocket handkerchiefs in peace, and be thankful*.

"Thus are blown away the insect race of patriotic falsehoods! Thus perish the miserable inventions of the wretched runners for a wretched cause, which they have fly-blown into every weak and rotten part of the country, in vain hopes that, when their maggots have taken wing, their importunate buzzing may sound something like the public voice†".

Thus have I spoken to all your charges: "‡ whether enough to serve a refining speculatist, or a *factious demagogue*, I do not

* A white handkerchief was one of the signals among the adherents to James's party. State Trials. See the trial of Robert Lowick, 1696.

† Mr. B.'s Speech, 19 April, 1774, p. 74.

Sic vos non vobis mellificatis apes.

‡ Mr. B.'s Speech, 19 April, 1774.

"know;"

“know,” nor care; “but enough surely for any dispassionate man!”

And now, Sir, we will see in what respect your opinion and mine differ upon this statute. For, from the beginning, the rule of my conduct also has been to act and to think on the principles of the constitution with men, whom I should venture to call as good men as any the time affords, were it not that your modesty has prevented me, by already assuring us, that you act with the best the time affords*. Your complaints against the statute are somewhat singular—first, that it does any thing at all; and then, in the same breath, that it does so little, when it might, with safety to its parents, have done so much. In the latter complaint, though on different grounds, we are perfectly agreed; so that, like many other scolders, in political and matrimonial life, we begin at last to discover that we are not, at the bottom, such inveterate enemies as we imagined. This, Sir, is indeed a most material fault; a fault, for which in my opinion, the ministry will ever remain highly blameable, from which the worst consequences, perhaps, may follow. Sir, I affirm, that it does not go far enough. This is part of that timid system, that trembling exertion of authority, to which we are indebted for the present re-

* Letter, p. 72.

bellion.

bellion. We have threatened when we should have acted. Great Britain stretched forth the irresolute arm of her power, and drew it back. America saw this, and before that unwieldy arm was again stretched forth to strike, she had put herself into a posture of defence. Lenity, humanity, are sometimes by vulgar minds mistaken for fear, for inability. They were so mistaken by the Americans; an able villain or two among them (what country is without some?) took advantage of their mistake, to his and to their destruction. From the stamp act, down to the hour in which I am penning this letter, almost every act of government toward the colonies, has wanted resolution, and, consequently, wanted every thing. The hand of the parent has shrunk from the unwelcome office.

Bis conatus erat——

Bis patriæ cecidere manus.

'Tis the fault of our humanity; but it is also the fault of our politics, and no trifling one. A minister should be a bold man; a man who would have been a successful rebel, if his virtues did not make him a patriot. One session of Parliament, has only left the fearful business to the next session, which has come and slept over it, like its predecessor; or, like its predecessor, been afraid to meddle with it. The Americans knew, from their friends the savages,

savages, that the wild beast which is not destroyed in his lair, becomes more formidable every day, and will soon be the terror of the nations. Sir, that roaring Rebellion, which is now stalking over a whole continent, almost mature, and full grown, was once a harmless, toothless thing, with which a child might play, which a child might once have tamed. Its jaws are now fleshed—it has tasted human blood, and human blood alone can satisfy it. Sir, to get out of these metaphors, which are, alas! too just—the resolution we have shewn, has been worse than no resolution at all; because it has always come too late. We have always ingeniously contrived to be just a degree behind hand: when we should have threatened, we have only coaxed; we have threatened, when we should have acted. There was a moment, when, perhaps, a much smaller number of men than are now employed in burying our American dead, would have saved all the blood which has stained the Atlantic. Rebellion was declared without any proceeding against it as such; address, after address, was laid at the foot of the throne, without being able to prevail upon government to take any steps toward the apprehension or the conviction of any individual offender: And modes of public coercion were adopted (as yourself* well observed, tho' for the sake of a false argu-

* Mr. B.'s Speech, 22 March, 1775, p. 52.

ment) which had much more resemblance to a sort of qualified hostility towards an independent power, than to the punishment of rebellious subjects. When posterity shall sit down to tell her listening children, of the present irresolute times, she will talk of our good nature, more than of our talents for government.

The body politic also has its surgeon; and he too must throw aside the amiable weaknesses of human nature. His hand, his eye, must be ever firm and resolute. His patient may, perhaps, think him cruel, unfeeling; and, if resolution and firmness be cruelty and want of feeling, well is it for his patient that he deserves the censure. Sir, I affirm, that such a man as I describe, would have made a deeper incision in our liberty—would have hazarded something (if indeed it would have been hazarding any thing) to save so precious a limb; perhaps, to save the body. Sir, such a man would not have trusted to a partial remedy: he would have had recourse to a total suspension of the *Habeas Corpus* act at once: and this country would not then have been inflamed, and irritated, and made sore by publications and letters, which deserve not an answer, if “the industry of their circulation did not make some amends for the absurdity of
“ their

"their*" arguments. To talk, as if the present times were, what every honest man wishes them, times of tranquility and peace, is to talk, not like an honest man, not like a rational man. Then if they be not—on the contrary, if they be what every honest man laments they are, times of daring, determined rebellion—Ministry also should be daring, be determined—precedents are not wanting—and I too, will "most solemnly assure those "who put any sort of confidence in me," that there is at present an absolute political necessity for extending the act in question, as fully and as completely as it was extended in 1745.

Thus much, Sir, for my opinion of the act. Let me now talk to you for a moment, about the decency of delivering your opinion of it at this time of day. Did it never occur to you, Sir, while you were penning this letter that you were now, tho' a member of Parliament, and a patriot too (if I don't mistake), for the very first time troubling your head about this act? Did you never once recollect, that after omitting to oppose it, when opposition might have had effect, you are now opposing it, when opposition is vain and useless? And opposing what? An *established* law, a *perfect* act of Parliament, against which only

* Mr. B.'s Speech, 19 April, 1774.

one dissentient Lord protested; upon which the patriots did not divide; against which Burke did not harangue. Considering you are *not* ambitious of ridicule, nor absolutely a candidate for disgrace*; considering you do *not* prefer the interest of a paltry faction, to the very being of your country †; this, I think, is quite as bold a stroke in patriotism, as any one could have expected. Resistance more decent than this, resistance at a time when resistance might have been effectual, your own letter tells us would have been considered as factious by most within doors, and by very many without ‡. And will it take from the number of that majority, to add to the indecency of that resistance? Unanimity, Sir, a majority, are mighty respectable things, when they happen to make in your favour §. But I have done with you about your indecent, unparliamentary, unmanly behaviour, when I have asked you what you think posterity will say of that modest letter, should it ever reach posterity, which is written by a member of parliament, in order to reprobate an act of Parliament, which he did not even debate in any one of its stages—not on the second reading, not in the committee, not on the report. On the third reading you know it is not very usual to debate, still less usual to amend, a bill. And

* Mr. B.'s Speech, 22 March, 1775.

† Letter, p. 37.

‡ Letter, p. 18.

§ Mr. B.'s Speech, 19 April, 1774. p. 72.

And this Letter, p. 62 and 64.

yet you come, after that third reading, when it is passed into a law, and say that it should not have passed into a law. After this, Sir, the common-place declamation with which the rest of your letter is eked out, deserves, perhaps, but little notice. Some, however, I will bestow upon it.

This part of your letter, Sir, I have perused with attention and concern. In writing it, I must certainly suppose you to have had some view. Of your patriotism I cannot doubt. It is not possible, therefore, to believe that all these stale offals of argument are scraped together, in order to feed the ravenous maw of rebellion. For whom then must I suspect you to be caterer? For whom, but for "that great man and his excellent associates, whom this whole empire," you assure us (and you ought to know, for you were one of them), "has reason to remember with eternal gratitude *." In the course of the glorious administration of 1766, this country, you kindly inform us, attained, by hasty degree, to that grand zenith of perfection, from which she has, ever since, been gradually receding. The first moment of the next administration, was the last of our prosperity, and the first of our present adversity.—The conclusion a child may draw; especially when we have your "most solemn assurance, that every thing which has been done since then, has

* Letter, p. 61.

" arisen from a total misconception of the object *." The conclusion must be this—that hand, which led you to the summit of perfection in 1766, is alone able to conduct you thither again. If Troy can be saved, behold the destined hand.

Sir, of all this the policy is wise ; and the virtuous people of Bristol, may, perhaps, be now considering of the best answer to your letter ; an address desiring the instant promotion of you and your great man—they owe you something, surely, for the civil things you say of them all † ! My awkward modesty stands a little in my way, or I would just hint to them, that the author of this letter would also make an " excellent associate" for their future minister ; that he has studied the doctrines of their representative and oracle ; that he too, possesses ‡ " talents of the great " and ruling kind ;" that many of his friends think him to have rather a turn for government ; and that, in *my* " humble opinion," he would really make a very pretty politician. Nor would I omit, carefully to follow your cautious example, in " hoping that my readers " do *not* imagine me to be influenced by no " other views, than the sordid lucre of salary " and pension §."

* Letter, p. 29.
§ Letter, p. 68.

† Letter, p. 66.

‡ Letter, p. 26.

As to the melancholy picture which you give us with so truly *sombre* a hand of poor Old England; it is the style of painting always in fashion with your patriots. To ride in the whirlwind is their delight, tho' they know not how to direct the storm. If they be not employed in doing mischief, at least they will presage it. Like all mankind, they "love to see things, which their heartiest wishes," I *hope*! "would be to have redressed *."—"There is a passion," it is well said, "which has been so strong as to make very miserable men take comfort that they were supreme in misery †." It is a turn of mind, which I must confess, I do not feel myself disposed to envy.

With the barbarity of Hessian appellations your just ear seems to be sadly shocked. After listening without much horror to the war-whoop of Rebellion, such empty sounds as *Raille* and *Kniphausen* seem to make you shudder. Do not, Sir, visit the sins of the fathers upon the third and fourth generation. True is it, these dissonant names are neither so familiar, nor so elegant, as *Cushion*, *Hancock*, and *Bearas*; but I'll tell you what, Sir—

* Sublime and Beautiful, p. 77.

† Sublime and Beautiful, p. 83.

when

* Let

when the (I hope not ten years) reduction of America shall be worked up into an Iliad by some future Milton, they will accord perhaps better with the dignity of the epic muse. In the last war, no fault, I believe, was found either with the appellations or with the swords of these same Hessians. Sure I am, that, in what you call the present war, they can never have so frightened your Americans, as, under your generalship in this letter, they have frightened your readers. They have been drawn up against us in every argument, they have lain in ambuscade for us under every leaf. Why, you must have ten times as many in your pay, Sir, as we! and you certainly have; for I see you rave about "German allies of *twenty* hireling "states*;" about "the mercenary zeal of "all the circles of Germany†;" and about "pouring out blood like *water*‡". Nay, more, the savage Indians are let loose upon us in every page.—But here I must be serious. Sir, you well know these savage Indians were not first employed by this country against America. On the side of government not an Indian appeared till the affair of Cedres in 1776. In the northern colonies whole nations were brought down by the chaste Con-

* Letter, p. 24.

† Letter, p. 28.

‡ Letter, p. 26.

gress early in 1775. At the same time deputies were sent to engage the Indians in the southern provinces; and, in the attempt on Tybee Island, so far from wishing to conceal the Indians whom they had with them, even their own people were dressed as Indians, and the tomahawk and the scalping-knife were most carefully remembered.

The man who knows all these *facts*, the man who knows also that there has not been a single war in the memory of us or of our fathers wherein foreign soldiery has not been employed—this man nevertheless is not ashamed to “hollow and hearten *” people into what I would fain persuade myself is *not* rebellion; and to poison the minds of his countrymen, by ringing the changes upon foreign troops and Indian allies, upon Indian allies and foreign troops. No conviction (I observe with concern!) however clear, can satisfy a patriot, nor keep some people from retailing the same refuted arguments over and over again.

For, even tho’ vanquish’d, they can argue still,
While words of learned length and thundering sound
Amaze the gaping patriots rang’d around †.

* Letter, p. 25.

† Goldsmith.

To the horrid picture which you give us of this country, I have already paid my compliments; it is admirably studied; but your melancholy genius did not think the colouring dark enough. The principal figure of the piece is now brought forward to the eye, and forced upon observation *. With what a gloomy pomp, with what a significant and expressive uncertainty of strokes, it is finished! It deserves all the praise which "the enquiry into the sublime and beautiful" bestows upon Milton's portrait of the King of Terrors. The pencil of Junius was by some people thought rather bold, but your's is superior in this respect, at least; and does credit even to the school of patriotism. My fear is, that other artists may now think themselves authorized by your example, to set you in a light as horrid and as false; and that, before long, a caricature of Mr. Burke, may meet our eyes in every bookseller's window, almost as shocking as that which you have given to the world, for a likeness of your King.

One word, Sir, before we part, about that "unsuspecting confidence in the mother country, into which," you so confidently assure us, "the colonies fell after the repeal of the Stamp Act†"—A repeal which you have

* Letter, p. 25, 26.

† Letter, p. 61.

before now, painted in the most dazzling colours of your eloquence—which you have before now told us, was brought about, by your “great man, and his excellent associates,” in thunder, lightening, and in rain; “While earth below shook, heaven above menaced, and all the elements of ministerial safety were dissolved*.” Do you remember, Sir, the act which was passed during this very administration, among other purposes, for that of better quartering his Majesty’s troops in North America? And do you remember the act of their own, which the assembly of New York, not liking the mode prescribed by Parliament, thought proper to pass, after this very repeal of the Stamp Act, directing another mode, inconsistent with the provisions made by Parliament? Ignorance this could not be, for we have your own word, that “when you are ignorant, you are diffident†;” and of diffidence, I defy any body to accuse you here. My design is merely to determine the exact weight of obligation, which your “great man, and his excellent associates” have heaped with both hands upon this country.

* Mr. B’s Speech, 19 April, 1774, p. 60 to 66.

† Letter, p. 46.

One other word. How cruel, Sir, to frighten us so often, and so sadly about France, and the protection which her arms in particular are to lend to America, and the horrors of a general European war! Sir, you need not be alarmed. No such thing will happen, assure yourself! Even the cry of Lord Chatham is altered, and those nations, who a little time ago, were most undoubtedly to side with injured America, in the common cause of wresting her dependence from this country, we are now told do not find it to be their interests so to do, but will sit quietly by, until we shall have purchased that independence for them, at the expence of our own blood, and our own treasure. Nor is the former part of this present fashionable language not true. It is *not* the interest of the European nations, to lend open assistance to America. Nor do they, nor does any one of them, I am bold to affirm, lend any more assistance of any kind to America, than a man of enlarged observation ought plainly to perceive that, under the same circumstances, the same country would necessarily receive from other countries, in other times. Nay, I venture to add, *not so much*. To him who does not at the first glance see how indisputable is this assertion, it were vain to dilate upon it. But fancies Mr. Burke that this country ever did fear, ever can fear, the rude, raw negociation (if it deserve such a name) of
a fanatic,

a fanatic, who first stepped from a Printer's Hell, into a Laboratory; and from a Laboratory, into the Cabinet of Versailles? The embassy of an underling Apothecary, who, by coming hither, and turning patriot barrister, escaped tarring and feathering in his own country; by his own countrymen; and who escaped something more disagreeable in this country, by going to France, and turning plenipotentiary of America? Is it from the schemes of Machiavels like these, that England is to fear her ruin? To what paltry arguments will patriotism descend!

And now, Sir, we must part for ever. Of you, and of your letter I take a final leave. The reputation which you have acquired by it is, I assure you, perfectly free from any envy of mine. Yet it is a letter "which I constantly carry about; which I have often used, and shall often use again *;" which will never be "in § a bad odour" with me. In the beginning of it, you say, that "if you have the misfortune to differ with some of your fellow-citizens, on this great and arduous subject, it is no small consolation to you, that you do not differ from the two worthy gentlemen to whom you are writing." The approbation of Mr. John Farr,

* Mr. B's Speech, 19 April, 1774, p. 15.

§ Mr. B's Speech; 19 April, 1774, p. 88.

and Mr. John Harris, must indeed be more than commonly valuable, to afford you the smallest consolation for all who differ with you. Not, however, but the letter has had, and will have, its effect. For “the passions of the common sort of people are very strongly roused, by a fanatic preacher, or by the ballads of Chevy Chase, and the Children in the Wood *.” But the case is, Sir, that the wholesome spirit of opposition, seems woefully to decline in this country; as you observe with concern, where you say, that “liberty is in danger of being made unpopular to Englishmen †.” This is exactly my own idea, only that what in your vocabulary is *liberty*, in mine is *faction*.

Sir, there are not many hours, as you will see by the date of this, since I heard all that the eloquence even of a Chatham could say on the side of what you affect to call liberty. And if his hand could not even decorate the question, Mr. Burke can expect little compliment; though, merely as a man of abilities, Mr. Burke need not blush to have failed in the same honourable cause with him. On that day, Sir,—nay on this day—for it is yet but the evening of it—I did not see you in the crowd of the audience of that noble orator.

* “Sublime and Beautiful,” part 2. sect. 4.

† Letter, p. 73.

Had

Had I, you would have seen, how even that audience smiled at his offer, to gather America to the arms of England with his crutch; and at the old man's prophecy of ruin to this country, if the reconciliation, which his motion proposed, should not take place *within six weeks*: and how they almost laughed at that motion for unconditional reconciliation; to which if the kingdom had that moment agreed; and if his own son-in-law could have set sail from behind the throne, the next moment, with the joyful terms of it in his patriotic pocket, and with the fullest breath of what would then no more be faction to distend his sails; the campaign would have been commenced, the *war*, perhaps, been over, before even he could have arrived. But I have not yet sufficiently studied Mr. Burke's compositions, to give a loose to my pen against every man, who differs from me in opinion, whether *King* or subject; and, if I pity Chatham, I—give me a word; tho' neither is *pity* strong enough—I worship Pitt.

Sir, the perfect concurrence of King, Lords, and Commons—the conversation of almost every company—the language of almost every print, do prove that mankind begin to open their eyes to their happiness and welfare. Even the letter before me is nothing more than the faint barking of expiring party. “ I speak with the freedom of
6 “ history

"history, and I hope without offence †." The Cerberus of faction, finding his self no longer carested, no longer the favourite within doors, was willing, at least to make a noise without. That eloquence too which cannot command the attention of an audience, might still chance to inflame the passions of a reader. If here too it should fail, how truly pitiable the author! Gracious Heaven! of what stuff are we made, when the same human being, in the course of eleven short years, can possess such very different places, in the estimation of his fellow-creatures! I deal in truths—if they be melancholy truths, that man must thank his self—it is his own fault. Neither can I "pursue the favour of any man, by concealing from him, what I think his ruin ‡." But, let him remember I tell him, his name already loses of its influence—even his eloquence, shorn of its beams, no longer warms, no longer shines—a little time, and he will cease, for ever, to be Lord of the ascendant—he shall no more dazzle the eyes of the nations—the Western horizon is now, for the last time, in a blaze with his descending glory—I see it gradually sinking behind the Atlantic—while, unlike that beneficent luminary to which, in its setting, I compare his former, but always baneful, brightness, he has not the melancholy

† Mr. B's Speech, 19 April, 1774, p. 77.

‡ Letter, p. 65.

satisfaction

satisfaction of appearing greater as he set
 Nay, more—poor, fallen spirit of light!—Not
 even the reflection of a single solitary ray, shall
 his extinguished eloquence leave behind it to
 cheer the gloom of neglected age; nor to light
 the pity of posterity to the lost tomb of a for-
 gotten Orator!

"In this prophecy I risque nothing *."

What can I say more?

Letter, p. 65.

30th May, 1777.

FINIS

